

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2521**

**House Bill No. 2521\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting the entire section and substituting:

(a) Except as provided in § 39-17-1313, or as otherwise limited by another state law, an individual, corporation, business entity, or local or state government entity or agent thereof is authorized to prohibit or limit the possession or open carry of a firearm on property owned, operated, or managed under the control of the individual, corporation, business entity, or government entity.

(b) Notice of the prohibition allowed under subsection (a) must be displayed at a prominent location, including all entrances used by persons entering the property, building, or portion of the property or building where firearm possession is prohibited or limited. The notice must meet the following minimum requirements:

(1) The notice must be in the format of a sign that must be on a white background and include either the phrase "NO FIREARMS ALLOWED" or "NO OPEN CARRY OF FIREARMS ALLOWED" in black print. The phrase must measure at least one inch (1") high and at least eight inches (8") wide. The sign must also include the phrase "As authorized by T.C.A. § 39-17-1359". The sign must not include any other statements or prohibitions;

(2) The sign must include a graphic image of a circle with a red diagonal line through the circle and a black image of a handgun inside the circle under the diagonal line. The entire pictorial representation must be at least four inches (4")



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high and four inches (4") wide. The diagonal line must be at a forty-five-degree (45°) angle from the upper left to the lower right side of the circle;

(3) All written content on the sign must be in English. Duplicate signs may be posted in other languages in addition to and in the immediate vicinity of the sign; and

(4) Each sign must be posted at least four feet (4') and not more than five feet (5') above ground level at the point of entrance. Each sign must be posted either on or within two feet (2') of each such entrance.

(c)

(1) The prohibition allowed under subsection (a) must be enforced as follows:

(A) The person or entity responsible for the posting shall give a written notice to an individual believed to be in violation of the prohibition stating in English, and other languages as may be appropriate, the identity of the individual or entity responsible for the prohibition and the entity's mailing address, that the property is a "gun free zone" pursuant to this section; that the individual, if in possession of a firearm, is required to abide by the prohibition and to remove the firearm from the building or property; and that the individual may be permitted to store the firearm in a personal vehicle pursuant to § 39-17-1313; and

(B) The person or entity responsible for the posting shall give a verbal instruction to the individual that the property has been declared by the owner, manager, or other authorized party to be a "gun free zone" and that the individual is required immediately to remove the firearm from the building or property but that the individual may be permitted to store the weapon in a vehicle pursuant to § 39-17-1313.

(2) If the individual refuses to comply after receiving the notices required by subdivision (c)(1), then the owner, manager, or other authorized party of the property may press charges against the individual for criminal trespass, under § 39-14-405, punishable only by a fine of fifty dollars (\$50.00). Section 39-17-1317 is not applicable to a person violating this section.

(d) This section does not alter, reduce, or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on the property owner's property.

(e) An individual, corporation, business entity, or local or state government entity or agent thereof that elects to post a prohibition of firearms pursuant to this section must provide reasonable and adequate security for the prohibited property, including applicable parking areas.

(f) This section does not apply to the grounds of a public park, greenway, natural area, historic park, nature trail, campground, forest, waterway, lake, or other similar public place that is owned or operated by the state, a county, a municipality, or an instrumentality thereof.

(g)

(1) This section does not authorize an entity of state or local government, or a permittee thereof, to enact or enforce a prohibition or restriction on the possession of a firearm on property owned or administered by the entity unless the following conditions are met:

(A) Metal detection devices are provided at each public entrance to the property;

(B) At least one (1) on-duty commissioned law enforcement officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices is posted at each public entrance. The government entity may also designate

licensed private security officers to assist the on-duty law enforcement officer at each public entrance; provided, that the private security officers serve at the direction and command of the on-duty commissioned law enforcement officer;

(C) Each person who enters the property through the public entrance when the property is open to the public, and any bag, package, and other container carried by the person, is inspected by a commissioned law enforcement officer or supervised private security officer as described in subdivision (g)(1)(B) and, if found to be in possession of a prohibited firearm, the person must be instructed that the property has been established as a "gun free zone" by the government entity and that the person is required to remove the firearm from the property but that the person may store the firearm in a vehicle pursuant to § 39-17-1313. The requirement to remove the firearm from the property is not required if secured storage lockers are provided pursuant to subdivision (g)(1)(D) or (g)(1)(E), or if possession of the firearm is transferred to an authorized individual pursuant to subdivision (g)(1)(F);

(D) A local government entity that declares a building or structure a "gun free zone" shall provide space in the building for those individuals who are carrying a firearm pursuant to § 39-17-1351, § 39-17-1366, or § 39-17-1307 to store the firearm at or near the public entrance of the building or structure in separate secured, lockable storage units at no cost to the individuals;

(E) A state government entity that declares a building or structure a "gun free zone" shall provide space in the building for those individuals who are carrying a firearm pursuant to § 39-17-1351, § 39-17-1366, or § 39-17-1307 to store the firearm at or near the public entrance of the

building or structure in separate secured, lockable storage units at no cost to the individuals; provided, however, that the cost of the storage units must be funded by a private individual or entity; and

(F) If an individual is otherwise authorized to possess a firearm in a government-owned or -controlled building and is willing and available to take possession of a firearm from an individual who is seeking to enter the building but who is not otherwise authorized to have a firearm in the building, then the authorized individual shall be allowed to meet the individual at the public entrance for purposes of taking possession of the firearm and is responsible for returning the firearm to the individual when the individual exits the building.

(2) Subdivision (g)(1) does not apply to:

(A) A public building that is declared by another state statute to be a prohibited location for firearms; or

(B) A facility that is licensed under title 33, 37, or 68.

(3) An individual entering public property that has been declared a "gun free zone" pursuant to this subsection (g) shall not be charged with a violation of this section if, upon being instructed on removal or storage of the firearm pursuant to subdivision (g)(1), the individual removes the firearm from the property or places it in available storage pursuant to subdivision (g)(1)(D) or (g)(1)(E) or transfers possession of the firearm to an authorized individual pursuant to subdivision (g)(1)(F).

(4) A government entity that seeks to prohibit individuals from possessing firearms in or on a public building or structure pursuant to this section must first conduct a public hearing on the proposed action. Additional public hearings must be held each year the prohibition continues.

(5) A local government entity that prohibits individuals from possessing firearms in or on a public building or structure pursuant to this section shall provide at least one (1) on-duty commissioned officer, exclusive of those required under subdivision (g)(1)(B), per every five hundred (500) individuals estimated to be in the building or structure at any time when the prohibition is in effect and the building or structure is open to the public, for the purpose of patrolling the interior of the building or structure.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

House Civil Justice Subcommittee Am. # 1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND House Joint Resolution No. 757\***

by deleting all language after the caption and substituting:

WHEREAS, the United States Constitution does not explicitly guarantee that all the rights it protects are held equally by all citizens without regard to sex, and the only right it specifically affirms to be equal for women and men is the right to vote in the 19<sup>th</sup> Amendment; and

WHEREAS, the 14<sup>th</sup> Amendment's equal protection clause has not been interpreted to guarantee equal rights on the basis of sex in the same way the Equal Rights Amendment would, as demonstrated by the fact that, currently, cases of sex discrimination receive only intermediate scrutiny but should receive the highest level of strict judicial scrutiny, just as race discrimination does; and

WHEREAS, gender equality under the Constitution continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional gender equality; and

WHEREAS, the principle of gender equality is contained in the Charter of the United Nations, the Universal Declaration of Human Rights, and all subsequent major international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which has been ratified by 187 other nations; and

WHEREAS, citizens of the United States have been seeking full constitutional equality on the basis of sex since the Equal Rights Amendment was first introduced in 1923; and

WHEREAS, Article V of the United States Constitution imposes no time limit for ratification of amendments; and



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WHEREAS, state Equal Rights Amendment ratification votes since 1972 must be considered sufficiently contemporaneous, given that the Archivist of the United States certified the Madison (27<sup>th</sup>) Amendment on May 18, 1992, once three-fourths of the states had ratified it, even though that amendment was passed by the first Congress of the United States and had a ratification period lasting 203 years; and

WHEREAS, the restricting time limit for ratification of the Equal Rights Amendment is in the proposing clause and is not a part of the amendment that has already been ratified by thirty-eight states; and

WHEREAS, Congress is empowered to alter time limits in the proposing clauses of amendments and has done so once already for the Equal Rights Amendment, when it passed a time extension on October 20, 1978; and

WHEREAS, the Equal Rights Amendment will finally ensure that all citizens will have equal rights under the United States Constitution, without regard to sex; and

WHEREAS, the people of Tennessee are not willing to wait another 200 years for gender equality; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly calls on the Congress of the United States to enact a resolution or legislation to remove the deadline for ratification of the Equal Rights Amendment by the states.

BE IT FURTHER RESOLVED, that the General Assembly calls on other states to join in this action by passing the same or similar resolutions.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, Tennessee's Senators and Representatives in Congress, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.



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**AMEND Senate Bill No. 2201**

**House Bill No. 1943\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-34-105, is amended by deleting the section and substituting:

(a)

(1) In any tort claim settlement involving a minor, the court shall conduct a hearing at which the minor and legal guardian are present if the tort claim settlement:

(A) Is a settlement of ten thousand dollars (\$10,000) or more;

(B) Is a structured settlement; or

(C) Involves a minor who is not represented by an attorney licensed to practice in this state.

(2) Notwithstanding subdivision (a)(1), the court may, in its discretion, conduct the hearing in chambers or by remote communication and may excuse the minor from attending the hearing.

(b) A tort claim settlement does not otherwise require court approval merely because it involves a minor.

(c) In the order approving a tort claim settlement authorized by this section, the court has the discretion to determine whether the settlement proceeds are to be paid to the minor's legal guardian or held in trust by the court until the appropriate time.

SECTION 2. Tennessee Code Annotated, Section 34-1-121(b), is amended by deleting the language "minor or" wherever it appears.



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SECTION 3. Tennessee Code Annotated, Section 34-1-121, is amended by adding the following as a new subsection:

(c) A tort claim settlement involving a minor does not require court approval except as required by § 29-34-105(a).

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2116\***

**House Bill No. 2435**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

**29-42-101. Short title – Intent.**

(a) This chapter is known and may be cited as the "Private Property Protection Act."

(b) It is the intent of the general assembly to create a statutory process whereby private property owners may seek judicial relief when a governmental entity has taken action through regulation that results in the diminution in value of the subject property.

**29-42-102. Definitions.**

As used in this chapter:

(1) "Family member" means an owner's wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild, an estate of such a relative, or a legal entity owned by one (1) or more relatives or the owner of the property;

(2) "Just compensation" means an amount equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the land use regulation as of the date the land use regulation goes into effect;

(3) "Land use regulation" means:



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(A) An ordinance or resolution regulating the use of land or an interest therein; and

(B) Local government zoning ordinances, land division ordinances, and transportation ordinances;

(4) "Owner" means the present owner of real property, or an interest therein; and

(5) "Public entity" means a local governmental entity.

**29-42-103. Compensation for diminution in value of real property.**

If a public entity enacts or enforces a new land use regulation that restricts or prohibits the existing uses of a parcel of private real property or an interest therein, and if as a result of that restriction or prohibition, the fair market value of the affected property or interest decreases by at least ten percent (10%), then the owner of the private real property must be paid just compensation. Notwithstanding this section, compensation is not payable if the decrease in the fair market value of the affected property or interest therein is less than fifty thousand dollars (\$50,000).

**29-42-104. Applicability.**

Section 29-42-103 does not apply to a land use regulation:

(1) That restricts or prohibits activities commonly and historically recognized as public nuisances under common law. This subdivision (1) must be construed narrowly in favor of a finding of compensation under this chapter;

(2) That restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

(3) To the extent the land use regulation is required to comply with federal law;

(4) That restricts or prohibits the use of a property for the purpose of selling pornography or performing nude dancing. This subdivision (4) does not

affect or alter rights provided by the United States Constitution or Tennessee Constitution with respect to such activities; or

(5) That was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

**29-42-105. Demand for just compensation.**

(a)

(1) An owner may demand just compensation under § 29-42-103 by providing written notice to a public entity enacting or enforcing a land use regulation.

(2) The written notice must be sent by certified mail to the chief executive officer of the public entity and describe the affected property and identify the owner's interest therein.

(3) The written notice must include a written appraisal or other evidence that supports the claim and demonstrates the loss in fair market value.

(b) Written demand for compensation under subsection (a) must be made within three (3) years of the enactment of the land use regulation or the date the owner of the property submits a land use application in which the enacted land use regulation is an approval criterion, whichever is earlier.

**29-42-106. Duties of public entity after receiving demand for just compensation.**

Within one hundred eighty (180) days of receiving a written demand under § 29-42-105, a public entity shall:

(1) Modify, remove, or choose not to apply the land use regulation to allow the owner to use the property for a use permitted at the time the owner acquired the property;

(2) Provide just compensation to the owner; or

(3) Deny that compensation is due under this chapter.

**29-42-107. Cause of action.**

(a) If a public entity denies that compensation is due or continues to enforce a land use regulation one hundred eighty (180) days after a written demand for just compensation is received, then the owner has a cause of action against the public entity for compensation under this chapter in the circuit court for the county in which the real property is located. In addition to the court awarding compensation as damages, the owner is entitled to reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred to collect the just compensation.

(b) The failure of an owner of property to file an application for a land use permit with a public entity is not grounds for dismissal, abatement, or delay of a compensation claim under subsection (a).

(c) The remedy created by this chapter is in addition to another remedy under the Tennessee Constitution or United States Constitution, and is not intended to modify or replace other remedies.

SECTION 2. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. If a provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.